

FORM 104 (12/07)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)	
<b>PLAINTIFFS</b> <i>Raymond Howard</i>		<b>DEFENDANTS</b> <i>MARCUS SULLIVAN</i>	
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b> <i>Raymond Howard, 7912 Bonhomme Suite 104, St Louis, Mo. 63105 314/721-6622</i>		<b>ATTORNEYS (If Known)</b> <i>JAMES ROBINSON</i>	
<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		<b>PARTY (Check One Box Only)</b> <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b> <i>Objection to discharge of attorney fee debt</i>			
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)			
<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input checked="" type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa et seq. <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint Other Relief Sought		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$ <i>88900 plus attorney fees</i>	

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR <i>MARCUS K. SULLIVAN</i>		BANKRUPTCY CASE NO. <i>09-44079</i>
DISTRICT IN WHICH CASE IS PENDING <i>Eastern District Missouri</i>	DIVISION OFFICE <i>St. Louis</i>	NAME OF JUDGE <i>SURAH-STATES</i>
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF <i>RAYMOND HOWARD</i>	DEFENDANT <i>MARCUS K. SULLIVAN</i>	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING <i>Eastern District Missouri</i>	DIVISION OFFICE <i>St. Louis</i>	NAME OF JUDGE <i>SURAH-STATES</i>
SIGNATURE OF ATTORNEY (OR PLAINTIFF)  <i>Raymond Howard</i>		
DATE  <i>July 1, 2009</i>		PRINT NAME OF ATTORNEY (OR PLAINTIFF)  <i>RAYMOND HOWARD</i>

### INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI

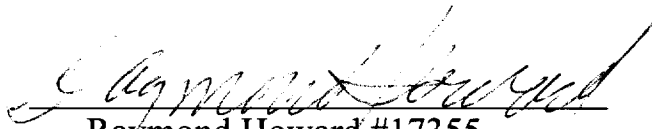
IN RE: )  
MARCUS K. SULLIVAN ) CHAPTER 7  
DEBTOR ) CASE NO: 09-44079  
)

**MOTION OF CREDITOR RAYMOND HOWARD'S OBJECTION  
TO DISCHARGE OF CREDITOR'S ATTORNEY FEES**

COMES NOW Raymond Howard and objects to debtor's request to discharge creditor's attorney fees and in support of said motion states to the Court as follows:

1. That the debtor herein has filed a Chapter 7 bankruptcy proceeding with this Court and has obtained an automatic Stay of all legal action against him.
2. Said debtor has listed Raymond Howard, movant herein, as a creditor to discharge a debt in the approximate amount of \$889.00 due said creditor.
3. This creditor objects to any discharge of the aforesaid debt for the reason that this creditor, an attorney, represented Yolander Robinson, the mother of debtor's children, Marcus Sullivan III and Marquis Sullivan, both age two, in retaining child support and custody of said minor children in a Petition For Determination of Father-Child Relationship case wherein the court ordered debtor to pay this creditor attorney fees for said representation. A copy of said petition and judgment & decree is attached and incorporated by reference herein.
4. Attorney fees awarded for child support are not dischargeable in bankruptcy. See In re McLain, 241 B.R. 415 (8th Cir. BAP 1999).

WHEREFORE, this creditor prays for an order declaring creditor's debt for attorney fees in the approximate amount of \$889.00 is non-dischargeable, ~~and for an order lifting the automatic stay to collect said debt and for an order of attorney fees and for her costs.~~ *and for an order of attorney fees & costs.*



Raymond Howard #17355

Attorney Pro Se

7912 Bonhomme, Suite 104

St. Louis, Missouri 63105

(314)721-6622

Fax (314) 721-6623

attorneyrayhoward@sbcglobal.net

**CERTIFICATE OF SERVICE**

A copy of Motion was mailed pre-paid first class on the 1 day of July 2009 to Jame Robinson, 3910 Washington, St. Louis, Mo. 63108, attorney for debtor, and A. Thomas DeWoskin, 150 N. Meramec, 4<sup>th</sup> Floor, St. Louis, Mo. 63195, Bankruptcy Trustee.



IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

MARCUS K. SULLIVAN, JR.,  
Individually and as Next Friend to  
Marcus Sullivan, III and Marquis  
Sullivan, Minors and MARCUS  
SULLIVAN, III and MARQUIS  
SULLIVAN,  
SSN: 490-82-7035

Petitioners,

vs.

YOLANDA ROBINSON,  
SSN: 489-86-7473

Respondent,

and

MISSOURI DEPT. OF SOCIAL  
SERVICES, DIVISION OF CHILD  
SUPPORT ENFORCEMENT,

3<sup>rd</sup> Party Respondent.

Cause No.:

18

(FC14)

Division No.:

**Please Serve Respondent At:**  
5346 Wabada, StL, MO 63112

**Please Serve 3<sup>rd</sup> Party Resp. At:**  
c/o Sylvia A. English – DCSE Inv.  
4411 N Newstead, 3<sup>rd</sup> Floor  
St. Louis, Missouri 63108

IV-D Case No.: 61011991

**PETITIONER'S PETITION FOR**  
**DETERMINATION OF FATHER-CHILD RELATIONSHIP,**  
**CHILD CUSTODY, VISITATION AND CHILD SUPPORT**

**COUNT I – PATERNITY**

COMES NOW Petitioner, Marcus K. Sullivan, Jr., by and through his  
attorneys, Todd A. Mandel, P.C. and for Count I of his Petition for Determination  
of Father-Child Relationship, Child Custody, Visitation and Child Support, hereby  
states as follows:

1. That both Petitioner and Respondent are and have been residents of  
the State of Missouri for at least ninety (90) days immediately preceding the filing of

this Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support.

2. That Petitioner currently resides at 1309 Sharondale Circle, Apt. L in Ferguson, St. Louis County, Missouri 63135.

3. That to the best of Petitioner's knowledge, the Respondent currently resides at 5346 Wabada in the City of St. Louis, Missouri 63112.

4. That on the 3<sup>rd</sup> day of July, 2003, the Respondent gave birth to twins, namely: Marcus Keith Sullivan, III and Marquis Keyshawn Sullivan (hereinafter referred to as the "minor children").

5. That Petitioner is the biological father of said minor children.

**WHEREFORE**, Petitioner prays this honorable Court enter an Order declaring that he is the biological father of the above-named minor children; and for any other and further Orders that this Court deems just and proper in the premises.

#### **COUNT II – CUSTODY**

**COMES NOW** Petitioner, Marcus K. Sullivan, Jr., by and through his attorneys, Todd A. Mandel, P.C. and for Count II of his Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support, hereby states as follows:

1. That Petitioner hereby restates and incorporates herein Paragraphs 1 through 5 of Count I of his Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support.

2. That since their birth, the minor children have been in the sole custody of Respondent and currently reside at 5346 Wabada, St. Louis, Missouri 63112.

3. That Respondent is a fit and proper person to have primary physical care, custody and control of the minor children.

4. That Petitioner is a fit and proper person to share joint legal care, custody and control of the minor children with Respondent.

*If has seen  
children  
doesn't want to give  
the free time*

5. That it would be in the best interests of the minor children for Respondent to be awarded their primary physical care, custody and control and for Petitioner and Respondent to be awarded their joint legal care, custody and control.

**WHEREFORE**, Petitioner prays this honorable Court enter an Order awarding Respondent the primary physical care, custody and control of the minor children; that Petitioner and Respondent be awarded joint legal care, custody and control of the minor children; and for any other and further Orders that this Court deems just and proper in the premises.

### **COUNT III – VISITATION**

**COMES NOW** Petitioner, Marcus K. Sullivan, Jr., by and through his attorneys, Todd A. Mandel, P.C. and for Count III of his Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support, hereby states as follows:

1. That Petitioner hereby restates and incorporates herein Paragraphs 1 through 5 of Count I and Paragraphs 1 through 5 of Count II of his Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support.

2. That Petitioner is a fit and proper person to have reasonable rights of visitation and temporary custody of the minor children.

3. That it would be in the best interests of the minor children for Petitioner to be awarded reasonable rights of visitation and temporary custody.

**WHEREFORE**, Petitioner prays this honorable Court enter an Order awarded Petitioner reasonable rights of visitation and temporary custody of the minor children; and for any other and further Orders that this Court deems just and proper in the premises.

**COUNT IV – SUPPORT**

**COMES NOW** Petitioner, Marcus K. Sullivan, Jr., by and through his attorneys, Todd A. Mandel, P.C. and for Count IV of his Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support, hereby states as follows:

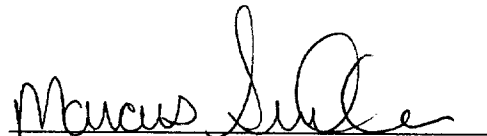
1. That Petitioner hereby restates and incorporates herein Paragraphs 1 through 5 of Count I, Paragraphs 1 through 5 of Count II and Paragraphs 1 through 3 of Count III of his Petition for Determination of Father-Child Relationship, Child Custody, Visitation and Child Support.

2. That it would be in the best interests of the minor children for child support to be calculated and ordered in accordance with Missouri Supreme Court guidelines.

**WHEREFORE**, Respondent prays this honorable Court enter an Order that child support be calculated in accordance with Missouri Supreme Court guidelines; and for any other and further Orders that this Court deems just and proper in the premises.


*already done  
by Family Sec.  
Feb. 21, 2009*



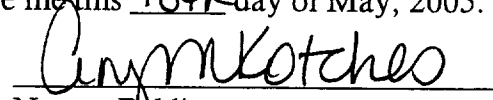
  
\_\_\_\_\_  
Marcus K. Sullivan, Jr., Petitioner

STATE OF MISSOURI     )  
                                  )     SS  
CITY OF ST. LOUIS     )

**COMES NOW** Petitioner, Marcus K. Sullivan, Jr., and hereby states that he has read the foregoing and that it is true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Marcus K. Sullivan, Jr., Petitioner

**SUBSCRIBED AND SWORN TO** before me this 18<sup>th</sup> day of May, 2005.

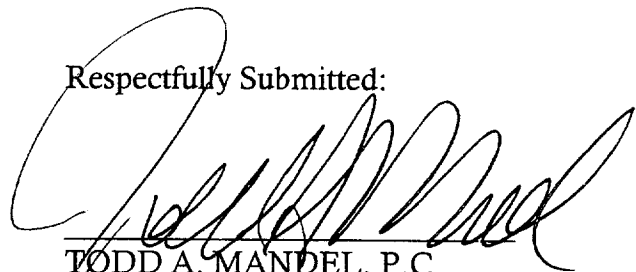
  
\_\_\_\_\_  
Notary Public

My Commission Expires:



AMY M. KOTCHES  
St. Louis City  
My Commission Expires  
September 4, 2005

Respectfully Submitted:



TODD A. MANDEL, P.C.  
Todd A. Mandel, MBE# 41045  
David S. Betz, MBE# 50898  
Attorneys for Petitioner  
4542 West Pine  
St. Louis, Missouri 63108  
Telephone: (314) 361-5678  
Facsimile: (314) 531-1069

In the  
**CIRCUIT COURT**  
of St. Louis County, Missouri



For File Stamp Only

Marcus Sullivan  
Plaintiff(s)

vs.  
Yolanda Robinson  
Defendant(s)

12-2-2005  
Date

05FC-005557  
Case Number

10  
Division

**FILED**

DEC 02 2005

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

Order

Pretrial Settlement called. Respondent and  
Attorney appear and answer. Petitioner appears,  
not. Petitioner's petition is dismissed. Petitioner  
is ordered to pay attorney Raymond Howard the  
sum of \$1,499.99 as and for attorney fees. Respondent  
dismisses her cross-petition. Costs against petitioner.

**SO ORDERED**

[Signature]  
Judge

**ENTERED:** 12-2-05  
(Date)

Raymond Howard 17355  
Attorney Bar No.

721 Olive, Suite 1100  
Address

St Louis, Mo. 63101  
Phone No. Fax No.

314-231-1144  
Attorney Bar No.

X Yolanda Robinson  
Address Respondent

Phone No. Fax No.